

Louis Flores  
25-77 37th Ave., No. 420  
Jackson Heights, New York 11372  
louis.flores@progressqueens.com  
1 (929) 279-2292

04 August 2018

**BY ECF**

Honorable Colleen McMahon, Chief U.S. District Judge,  
United States District Court - Southern District of New York,  
500 Pearl Street,  
New York, New York 10007-1312.

Dear Hon. Judge McMahon :

**Re : Louis Flores v. United States Department of Justice  
No. 17-CV-0036 (Koeltl, J.)**

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I am *pro se* Plaintiff appearing *in forma pauperis* in the above-captioned case. This litigation seeks the release of speech records of former U.S. Attorney **Preet Bharara** under the Freedom of Information Act ("FOIA"). I again apply for Your Honour to intervene in this case. Since Plaintiff last wrote to you, Plaintiff appealed a prior Order of the Court to the Second Circuit (the "Appeal"), which ended in dismissal, even though Defendant **U.S. Department of Justice** (the "Government") never answered any of the issues of judicial misconduct or judicial bias that were raised in the Appeal. Because a covered judge in the Southern District is again engaged in conduct that is prejudicial to the effective and expeditious administration of the business of the Courts or is unable to discharge the duties of office because of mental disability, Plaintiff respectfully requests that Your Honour enter an Order, staying the above proceedings, pending the settlement reached between the Parties.

**A. The Fifth Request for an Extension of Time**

After the Government filed its Motion for Summary Judgment, the Parties commenced settlement discussions and have reached a framework of a settlement. The Court was informed of the framework of the settlement on 27 June 2018. (Dkt. No. 62). Since then, the parties needed additional time for the Government to produce an updated *Vaughn* Index and an updated production of records. Because the Government has needed more time to produce the records, Plaintiff made the Fifth Request for an Extension of Time. (Dkt. No. 64). Counsel for the Government provided consent for this extension. *See* Ex. Instead of granting the Fifth Request for an Extension of Time, Judge **John Koeltl** denied the full request and has acted to intentionally interfere with and undermine the settlement that has been reached by the Parties by forcing Plaintiff to continue unnecessary motion practice. By making Plaintiff file unnecessary opposition papers, the District Court judge has denied Plaintiff the settlement reached with the Government and places the Plaintiff at a disadvantage by forcing Plaintiff to draft motion papers by an unreasonable deadline that the District Court judge will rule on in a manner that is consistent with the District Court judge's demonstrated bias against Plaintiff.

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This is the third time Plaintiff seeks intervention from Your Honour due to allegations of judicial misconduct or judicial bias by the District Court judge. *See also* Dkt. Nos. 25, 38. Since that time, Plaintiff filed one Complaint of Judicial Misconduct or Disability with the Judicial Council of the Second Circuit, and it appears Plaintiff must file a second such Complaint over allegations that the District Court judge is intentionally undermining the settlement reached between the Parties. There is no need to continue with motion practice, because the Parties have reached the framework of a settlement. Furthermore, since passage of FOIA, the Government has been obligated to comply with FOIA. *See* 5 U.S.C. § 552. This litigation was commenced, because the Government was not in compliance with FOIA. (Dkt. No. 2). The Fourth and Fifth Requests of Extension of Time were filed in this case, because the Government needed more time to produce records that would have allowed the Parties to reach a settlement and to negotiate and enter into a stipulated dismissal of this case without prejudice to Plaintiff. (Dkt. Nos. 62, 64). The obligation to comply with FOIA and to produce records were always the Government's, either mandated by statute or as negotiated as part of the framework of the settlement reached between the Parties. Despite these facts, the District Court judge has entered an Order that injures Plaintiff, even though Plaintiff is not the Party obligated by law or settlement to comply with FOIA. (Dkt. No. 65). Moreover, the deadlines set by the Court give Plaintiff only two weeks to file his opposition papers ; this time is not sufficient, because : (i). I have a day job, (ii). I now have to prepare for a Court Conference in this case scheduled for 08 August 2018, (iii). I am preparing to appear for a summary judgment hearing set for 20 August 2018, for a credit card collection matter where I am the debtor, and (iv). I suspended all drafting of opposition papers to negotiate in good faith the settlement of this case with the Government. Not only is the District Court judge ordering the filing of opposition papers by an unreasonable deadline, but, as discussed, these opposition papers are wholly unnecessary, because the framework of a settlement has been reached between the Parties. Why would a covered judge intentionally undermine a settlement reached between the Parties ?

At the Initial Conference of the Parties, the District Court judge said that the reputation of the U.S. Attorney's Office was an important consideration in this case, although this statement was not in the Transcript of the proceedings. Plaintiff's Appeal noted this and focused on the concern that the District Court judge stated he would not follow FOIA to determine whether records would be released ; rather, it would be the District Court judge's bias that would determine whether records would be released. The District Court judge is again engaging in judicial misconduct or demonstrating judicial bias by preventing Plaintiff from reaching the settlement negotiated with the Government. Cognizant misconduct includes misconduct when a covered judge uses a judge's office to obtain special treatment for political allies. Because the District Court judge has said that the reputation of the U.S. Attorney's Office was an important consideration in this case, he is not impartial in these proceedings. Because a covered judge is again demonstrating bias against a Party in litigation before this District Court, Your Honour must stay these proceedings until the Parties effect the settlement that the Parties have reached. If Your Honour wants a timeline for how soon that can be, Plaintiff offers to appear telephonically

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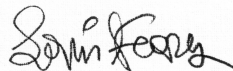
for a conference with Your Honour and with counsel for the Government, so that the Government can provide this guidance to Your Honour. Otherwise, Plaintiff will have no choice but to file a second Complaint of Judicial Misconduct or Disability with the Judicial Council of the Second Circuit.

**B. The Court Conference**

Without consultation of the parties, the District Court judge has scheduled a Conference for Wednesday, 08 August 2018 at 4:30 p.m. Plaintiff will not be able to attend this Conference in person and respectfully requests of Your Honour whether : (i). Plaintiff may attend this Conference telephonically at 5:00 p.m. ,and (ii). Your Honour may officiate or be present for this Conference. Otherwise, there is no guarantee that Transcript of this Conference will be prepared with any integrity.

It should be a concern to this Court that the District Court judge, following the filing of the Appeal and the first Complaint of Judicial Misconduct or Disability with the Judicial Council of the Second Circuit, is allegedly again engaging in judicial misconduct or is demonstrating judicial bias. The Southern District is supposed to be known for effective and expeditious administration of the business of the Courts, but that won't be its reputation for long, if the District Court judge is allowed to engage in further judicial misconduct or to demonstrate further judicial bias. Already, Plaintiff has published several news reports about the District Court judge's alleged judicial misconduct and judicial bias. Because these reports are being read by lawyers at major law firms, discussion amongst the New York legal community may be drawing attention to the acts of the District Court judge. Your Honour should care about how the actions of the District Court judge will lead to a widespread lowering of public confidence in the Courts among reasonable people. As a veteran of the **#AnybodyButQuinn** and **#FireBossCrowley** campaigns, I can attest to the fact that when the public come to view public servants as failed leaders, it's not just a change in leadership that must take place, but it is also true that what happens is that public confidence collapses in public institutions. The key to the ruination of the public careers of former New York City Council Speaker **Christine Quinn** and U.S. Rep. **Joseph Crowley** were not so much the work of activists, but by how public institutions tolerated the unchecked corrupt acts of these so-called public officials, in whom the public lost all faith. Something very similar is happening, or will very soon happen, here, with the District Court. Since Your Honour took no action last time to protect what little there may remain of the reputation of the District Court judge, Your Honour must now act with urgency to protect the public's faith in the District Court.

Respectfully submitted,



Louis Flores

cc : Rebecca Tinio, Assistant U.S. Attorney (via E- Mail only)

**EXHIBIT**

**RE: RE: Flores v. DOJ (17-CV-0036) (J. Koeltl)**

Received:  July 26, 2018 7:54 PM

From: **Tinio, Rebecca (USANYS)** [Rebecca.Tinio@usdoj.gov](mailto:Rebecca.Tinio@usdoj.gov)

To: **Progress New York contact@progressnewyork.news**

Mr. Flores,

I am afraid that it is taking us longer to work on providing you with an updated Vaughn than we anticipated, and I have been very occupied on other time sensitive matters. I am confident that we will be able to provide you with something next week, when I will have more time to devote to the project. However, in the meantime, I believe your deadline is set for July 29, so you may wish to consider seeking an extension from the Court. In terms of the time that you may want to request, I do think that we will be able to provide you with something next week; I would consent to however much time you would like to request after that in order to review our updated Vaughn index and consider what you would like to do.

Thank you,

Rebecca S. Tinio  
Assistant United States Attorney  
United States Attorney's Office  
Southern District of New York  
86 Chambers Street, 3rd Floor  
New York, NY 10007  
p: (212) 637-2774  
f: (212) 637-2702

**From:** Progress New York <[contact@progressnewyork.news](mailto:contact@progressnewyork.news)>  
**Sent:** Tuesday, July 17, 2018 1:10 PM  
**To:** Tinio, Rebecca (USANYS) <[RTinio@usa.doj.gov](mailto:RTinio@usa.doj.gov)>  
**Subject:** Re: RE: Flores v. DOJ (17-CV-0036) (J. Koeltl)

o,k ; thank you ;

Sent from ProtonMail Mobile

On Tue, Jul 17, 2018 at 11:52 AM, Tinio, Rebecca (USANYS) <[Rebecca.Tinio@usdoj.gov](mailto:Rebecca.Tinio@usdoj.gov)> wrote:

Mr. Flores,

Thank you for your email. I apologize that I have not been in contact sooner. We are working to prepare a new version of our FOIA releases for you in which all of the hard copy documents are Bates stamped, and to prepare a revised Vaughn index that reflects the Bates stamps. The process has been taking longer than we anticipated, and I have been occupied with some other time-sensitive matters. I am also out of the office sick today so will be unable to speak with you. However, we are making progress, and I would be amenable to agreeing to any further time if you need it to review what we are ultimately able to provide you with.

Regards,

Rebecca S. Tinio  
Assistant United States Attorney  
United States Attorney's Office  
Southern District of New York  
86 Chambers Street, 3rd Floor  
New York, NY 10007  
p: (212) 637-2774  
f: (212) 637-2702

**From:** Progress New York <[contact@progressnewyork.news](mailto:contact@progressnewyork.news)>  
**Sent:** Tuesday, July 17, 2018 6:52 AM  
**To:** Tinio, Rebecca (USANYS) <[RTinio@usa.doj.gov](mailto:RTinio@usa.doj.gov)>  
**Subject:** Re: Flores v. DOJ (17-CV-0036) (J. Koeltl)

Hi,

I will try to call you at about 1 p.m. today.

Louis Flores  
Progress New York  
[progressnewyork.news](mailto:progressnewyork.news)  
[contact@progressnewyork.news](mailto:contact@progressnewyork.news)  
(929) 279-2292

Sent with [ProtonMail](#) Secure Email.

----- Original Message -----

On July 15, 2018 6:11 PM, Progress New York <[contact@progressnewyork.news](mailto:contact@progressnewyork.news)> wrote:

Hi, Ms. Tinio :

Half of our time extension has passed, and I have not received any update or response from you. Please let me know if we can speak this week ? I can try to speak on my lunch hour, or one night after 5 p.m. if by chance you are working late

one night this week. I want to work toward reaching a full settlement, please, based on my last e-mail.

I will be updating my civil crime report to the U.S. Attorney's Office most likely in August, bc news keeps breaking that the de Blasio administration continues to violate FOIL.

LINK : <https://nypost.com/2018/07/14/de-blasio-is-flouting-public-records-laws-parent-claims/>

You all are the only ones, who can bring him back into compliance.

I hope we can speak about the settlement this week.

Louis Flores  
Progress New York  
progressnewyork.news  
[contact@progressnewyork.news](mailto:contact@progressnewyork.news)  
(929) 279-2292

Sent with [ProtonMail](#) Secure Email.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LOUIS FLORES,

*Plaintiff,*

v.

UNITED STATES DEPARTMENT OF  
JUSTICE,

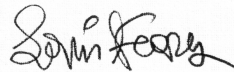
*Defendant.*

17-CV-0036 (JK)

**AFFIRMATION  
OF SERVICE**

I, **LOUIS FLORES**, declare under penalty of perjury that I have served a copy of the attached **PLAINTIFF'S SECOND LETTER REQUEST FOR A STAY OF PROCEEDINGS** by **E-MAIL ONLY** to : **REBECCA.TINIO@USDOJ.GOV** upon the following party :

Rebecca Tinio, Esq.  
c/o United States Attorney's Office  
Southern District of New York  
86 Chambers Street, 3rd Floor  
New York, New York 10007



Dated : Jackson Heights, New York  
04 August 2018

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